IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1272 OF 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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HARILAL DAYABHAI VORA - Appellant(s)
Versus
AHMEDABAD MUNICIPAL CORPORATION & ORS. - Respondent(s)

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Appearance :
Shri D. V. Parikh for Appellant(s).
None for Respondent Nos.1–2 though the name of Shri Darshan V. Parikh, Advocate, appears in the Daily Board.
Dr. Amee Yajnik for Respondent No. 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 10/07/2007

ORAL JUDGMENT

The claimant-Harilal Dayabhai Vora, being partly aggrieved

by the award dated 31st March, 1988 made by the learned Member, Motor Accident Claims Tribunal No. IV (Auxiliary), Ahmedabad in M.A.C.P. No.93 of 1985, is before this Court with a submission that the learned Tribunal below erred in not awarding proper compensation to the claimant.

2. In absence of any cross appeal or cross objections, the question of rashness, negligence, liability, etc. I am not required to go into. The only question for consideration would be that whether the learned Tribunal below was justified in awarding a sum of Rs.36,000/- under the head of future economic loss. The parties have addressed on this question only.

3. The learned Tribunal below has found as a fact that the claimant, as an after-effect of the injuries suffered by him, has lost vision of the left eye and this injury to the eye and loss of vision is likely to adversely affect his future earning capacity. The learned Tribunal found that the average income of the claimant could be Rs.1,500/- per month and the future loss of earning capacity would be Rs.200/- per month. The learned Tribunal granted a sum of Rs.36,000/- applying the multiplier of fifteen.

4. In case a person loses vision of one of the eyes, then, in

absence of all other things, future loss cannot be assessed at least below 20%. In the present case, the loss, therefore, should have been assessed at Rs.300/- per month or Rs.3,600/- per year. In the opinion of this Court, the claimant would be entitled to a sum of Rs.1,200/- per year with the multiplier of fifteen in addition to what has already been awarded to him. His further entitlement would be Rs.18,000/- with interest at the rate of 6% per annum from the date of application till the date of recovery. It is, however, made clear that if the amount awarded by the learned Tribunal has already been paid, then, the said amount would not be appropriated towards interest of the present award.

5. In the result, the appeal is partly allowed. No costs.

[R. S. Garg, J.]

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